

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CELEBRATION IP LLC,)	
)	
Plaintiff,)	
v.)	C.A. No. 20-878-MN
)	
SEMICONDUCTOR COMPONENTS)	
INDUSTRIES, LLC,)	
)	
Defendant.)	

**ON SEMICONDUCTOR'S ANSWER TO
CELEBRATION'S COMPLAINT**

Semiconductor Components Industries, LLC (d/b/a "ON Semiconductor" or "Defendant") answers the Complaint (D.I. 1) by Celebration IP, LLC ("Celebration" or "Plaintiff") as follows. Unless specifically admitted below, ON Semiconductor denies every allegation in the Complaint. ON Semiconductor reserves the right to amend or supplement its answer, defenses, and counterclaims based on additional information learned through discovery or otherwise.

ANSWER ON PARTIES

1. ON Semiconductor lacks knowledge sufficient to confirm or deny these allegations and therefore denies them.
2. Admitted.

ANSWER ON JURISDICTION

3. ON Semiconductor admits that the Complaint purports to bring an action under the patent laws of the United States, Title 35 of the United States Code. ON Semiconductor denies that it has committed any acts of patent infringement and denies that

Celebration is entitled to any of the relief requested.

4. Admitted.

5. ON Semiconductor admits that this Court has personal jurisdiction over ON Semiconductor, but denies all other allegations of this Paragraph.

ANSWER ON VENUE

6. ON Semiconductor admits that venue is proper in this District, but denies all other allegations of this Paragraph.

ANSWER ON PATENT-IN-SUIT

7. ON Semiconductor lacks knowledge sufficient to confirm or deny the allegations of this Paragraph and therefore denies the same.

ANSWER ON THE '795 PATENT

8. ON Semiconductor admits that U.S. Patent No. 6,346,795 (the “’795 Patent” or “Patent-in-Suit”) was issued on February 12, 2002, that the ’795 Patent is entitled “Discharge Control Circuit of Batteries,” and that a copy of the ’795 Patent was attached to the Complaint, but denies all other allegations of this Paragraph.

9. ON Semiconductor denies the allegations contained in Paragraph 9.

ANSWER ON COUNT 1: INFRINGEMENT OF THE '795 PATENT

10. ON Semiconductor incorporates by reference as if fully set forth herein its responses to Paragraphs 1-9 above.

11. ON Semiconductor denies the allegations contained in Paragraph 11.

12. ON Semiconductor denies the allegations contained in Paragraph 12.

13. ON Semiconductor admits that it has received service of the Complaint, but denies the allegations of infringement therein, and furthermore denies that the allegations in

the Complaint are sufficient to constitute actual knowledge of infringement.

14. ON Semiconductor denies the allegations contained in Paragraph 14.

15. ON Semiconductor denies the allegations contained in Paragraph 15.

16. ON Semiconductor denies the allegations contained in Paragraph 16.

17. ON Semiconductor admits that Exhibit 2 includes a single chart that purports to compare a single claim from the '795 Patent Claims to a single product, the LC05111CMT, but denies all other allegations in Paragraph 17.

18. ON Semiconductor admits that Plaintiff purports to incorporate by reference its allegations from Exhibit 2, but denies all such allegations.

19. ON Semiconductor denies that Plaintiff is entitled to recover any damages or any other relief.

JURY DEMAND

20. ON Semiconductor admits that Plaintiff has requested a trial by jury as to all issues so triable.

ON SEMICONDUCTOR'S AFFIRMATIVE DEFENSES

ON Semiconductor asserts the following affirmative defenses:

1. Plaintiff has failed to state a claim upon which relief may be granted.

2. ON Semiconductor does not infringe and has not infringed (literally, under the doctrine of equivalents, directly, contributorily, or by inducement) any valid and enforceable claim of the '795 Patent.

3. Each and every claim of the '795 Patent is invalid because each and every

claim of the '795 Patent fails to satisfy the conditions for patentability specified in Title 35 of the United States Code, including without limitation §§ 101, 102, 103, and/or 112.

4. Plaintiff's claims are barred by the doctrine of prosecution history estoppel.

5. Plaintiff's claims are barred or limited by estoppel and/or other equitable defenses, including waiver.

6. ON Semiconductor has not engaged in any conduct that entitles Plaintiff to attorneys' fees or costs.

7. Plaintiff's ability to recover for any alleged infringement is barred or limited under 35 U.S.C. § 286.

8. Plaintiff's ability to recover for any alleged infringement is barred or limited by its failure to meet the requirements of 35 U.S.C. § 287.

9. Plaintiff's claims are barred by res judicata.

10. Plaintiff's claims are barred by lack of standing.

ON SEMICONDUCTOR'S COUNTERCLAIMS

For its Counterclaims against Celebration, ON Semiconductor alleges as follows:

THE PARTIES

1. Counterclaim-Plaintiff Semiconductor Components Industries, LLC (d/b/a "ON Semiconductor") is a Delaware limited liability company with its principle place of business at 5005 East McDowell Road, Phoenix, Arizona, 85008. Semiconductor Components Industries, LLC is the principal domestic operating subsidiary of ON Semiconductor Corporation and does business under the name of ON Semiconductor. ON

Semiconductor designs, manufactures, and markets a comprehensive portfolio of semiconductor products, including AC-DC controllers and regulators.

2. On information and belief, Counterclaim-Defendant Celebration IP LLC (“Celebration”) is organized and existing under the laws of Texas and maintains its principle place of business at 6009 W Parker Rd, Ste 149 – 1091, Plano, TX 75093-8121.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1 et seq. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, this Court has personal jurisdiction over Celebration at least because Celebration has purposely availed itself of the privilege of conducting activities within this State and judicial District, including by filing suit against ON Semiconductor in the Complaint.

5. Upon information and belief, venue is proper in this Court pursuant to at least 28 U.S.C. § 1391(b).

6. Based on the filing of Celebration’s Complaint, and the allegations contained therein, there exists an actual and justiciable controversy between ON Semiconductor and Celebration relating at least to ON Semiconductor’s alleged infringement of the ’795 Patent, and the validity of the claims of the ’795 Patent.

COUNTERCLAIM COUNT ONE **DECLARATORY JUDGMENT OF NONINFRINGEMENT OF THE ’795** **PATENT**

7. ON Semiconductor re-alleges and incorporates by reference paragraphs 1-6 above.

8. Celebration has alleged that it is the assignee of all right, title and interest in the '795 Patent.

9. Celebration has alleged that ON Semiconductor infringes the '795 Patent.

10. ON Semiconductor has not infringed, contributorily infringed, or induced infringement of any claim of the '795 Patent, either literally or under the doctrine of equivalents.

11. ON Semiconductor is being damaged by Celebration's false accusations of infringement of the '795 Patent. An actual and justiciable controversy exists between ON Semiconductor and Celebration concerning ON Semiconductor's noninfringement of the '795 Patent.

12. ON Semiconductor seeks a declaration pursuant to 28 U.S.C. § 2201 stating that ON Semiconductor has not infringed, directly or indirectly, any claim of the '795 Patent, either literally or under the doctrine of equivalents.

COUNTERCLAIM COUNT TWO

DECLARATORY JUDGMENT OF INVALIDITY OF THE '795 PATENT

13. ON Semiconductor re-alleges and incorporated herein by reference Paragraphs 1-12 above.

14. Celebration has alleged that the claims of the '795 Patent are valid, and ON Semiconductor has alleged that the claims of the '795 Patent are invalid. An actual and justiciable controversy exists between ON Semiconductor and Celebration concerning the validity of the claims of the '795 Patent.

15. All claims of the '795 Patent are invalid and/or unenforceable for failure to

comply with one or more provisions of the patents laws of the United States of America, Title 35 United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

16. As an example, and without limitation, the claims of the '795 Patent are invalid as anticipated or obvious over one or more of the following prior art references: U.S. Patent No. 5,898,293 to Tamai, U.S. Patent No. 5,397,974 to Tamai, and/or U.S. Patent No. 5,959,437 to Hamaguchi.

17. ON Semiconductor requests a judicial determination and declaration that all claims of the '795 Patent are invalid and/or unenforceable for failure to comply with one or more provisions of the patent laws of the United States of America, Title 35 United States Code, including, but not limited to, 35 U.S.C. §§ 101, 102, 103, and/or 112.

PRAYER FOR RELIEF

ON Semiconductor prays that judgment be entered in its favor and against Celebration as follows:

- A. Dismissing with prejudice Celebration's Complaint and entering a take-nothing judgment against Celebration and in favor of ON Semiconductor;
- B. Entering a declaration and judgment in favor of ON Semiconductor declaring that ON Semiconductor has not infringed, and does not infringe, any claim of the '795 Patent;
- C. Entering a declaration and judgment in favor of ON Semiconductor declaring that each and every claim of the '795 Patent is invalid and/or unenforceable;
- D. Awarding all costs of the case to ON Semiconductor;
- E. Entering judgment in favor of ON Semiconductor finding that this case is

exceptional and awarding attorneys' fees and costs under 35 U.S.C. § 285 to ON Semiconductor; and

F. Awarding ON Semiconductor any other relief as the Court or a jury deems just and proper.

JURY DEMAND

ON Semiconductor hereby demands a jury on any issues so triable.

ASHBY & GEDDES

/s/ John G. Day

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